

ORDINANCE NO. 1038-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS DELETING ALL REFERENCES TO THE ABRAHAM TRACT SUB-DISTRICT OF THE AIRPORT, MARINE AND HIGHWAY BUSINESS DISTRICT CONTAINED IN ARTICLE XV AND IN CODE OF ORDINANCE SECTIONS 150-154, 150-157, AND 150-158; ESTABLISHING CODE OF ORDINANCE SECTION 150-165, ABRAHAM TRACT DISTRICT; PROVIDING PURPOSE; PERMITTED USES; PROHIBITED USES; ADULT RELATED BUSINESS REGULATIONS; SETBACKS AND FLOOR AREA; HEIGHT LIMITATIONS; OFF-STREET PARKING AND LOADING; SIGNAGE; DEVELOPMENT REVIEW PROCEDURES; REQUIREMENTS FOR DEVELOPMENT REVIEW; EXEMPTIONS; FEES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; DIRECTIONS TO CODIFIERS; EFFECTIVE DATE.

WHEREAS, the City Council of the City of Miami Springs has actively supported the commercial development of the properties located in the Abraham Tract area of the City; and,

WHEREAS, in anticipation of achieving its goal of commercially developing the Abraham Tract properties, the City Council has proposed, debated, approved and authorized various Evaluation and Appraisal Report ("EAR") and Comprehensive Plan ("Comp Plan") Amendments; and,

WHEREAS, the City Council recently authorized the hiring of Calvin, Giordano and Associates ("Consultants") to provide the consultation services required for the implementation of its "EAR" and "Comp Plan" Amendments; and,

WHEREAS, the City's Consultants have suggested that the implementation process is best served by the establishment of the three previous sub-districts of the Airport, Marine and Highway Business District as stand-alone Districts; and,

WHEREAS, in light of the City Council's stated priority for the development of the Abraham Tract area, the Consultants have proposed the deletion of all references to the Abraham Tract Sub-District from the Airport, Marine and Highway Business District and the contemporaneous creation of a new "Abraham Tract District", and;

WHEREAS, the City Council has reviewed the proposed deletions from the Airport, Marine and Highway Business District, and the District Boundary Regulations proposed for the establishment of the new "Abraham Tract District", and has determined that the adoption of the foregoing Ordinance amendments are in the best interests of the City and its citizens:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIAMI SPRINGS, FLORIDA:

Section 1: That Code of Ordinance Article IV, Airport, Marine and Highway Business District, and Code of Ordinance Sections 150-154- 150-157, 150-158, 150-160 and 150-161 are hereby amended as follows:

ARTICLE XV: AIRPORT, MARINE AND HIGHWAY BUSINESS DISTRICT

Sec. 150-154. Purpose.

The purpose of the Airport, Marine and Highway Business District (AMHBD) is to provide for large-scale commercial uses on large sites with a limited number of highway access driveways. The zoning regulations set forth herein are meant to allow a wide range of compatible uses. Such uses and structures are allowed only where they form complimentary groupings of facilities and activities, and where a particular combination of proposed uses would be appropriate to the surrounding area by nature of use and design.

The AMHBD is divided into the following three smaller districts due to the diverse nature and location of each of the sub-districts, to-wit:

(A) *Airport Golf*, the area surrounding the golf course which is bounded by Curtiss Parkway, Fairway Drive and Deer Run.

~~(B) *Abraham Tract*, south of 36th Street.~~

Sec. 150-155. Permitted Uses.

(a) Principal uses and structures permitted generally.

- (1) Restaurants.
- (2) Hotels.
- (3) Offices, business and professional; studios and medical and veterinary clinics; boarding for veterinary services only.
- (4) Agencies for travel and insurance and similar services.
- (5) Automobile rental agency.
- (6) Business colleges, secretarial schools and similar educational facilities.
- (7) Banks, savings and loan associations and similar financial institutions.
- (8) Catering business.
- (9) Retail stores, except those dealing in second-hand merchandise other than antiques.
- (10) Service establishments, including personal service establishments such as barber and beauty shops, manicure/pedicure shops, skin care (aesthetics), physical therapy clinics, etc. No physical therapy clinic shall be open for business between the hours of 10:00 p.m. and 6:00 a.m.
- (11) Service establishments for the repair of shoes, small home appliances, clocks and watches, printing/photocopying service shops; not to exceed 2,500 square feet.
- (12) Service establishments for the repair of small aviation- or marine-related avionics or electronics; not to exceed 2,500 square feet.
- (13) Stereo/video/electronics rental, sales and/or service.
- (14) Dry cleaning and/or laundry; self-service or laundromat only when sanitary and safe disposal of wastewater is provided, and when operated without producing smoke or noxious fumes or odors.
- (15) Domestic pet grooming only, prohibiting a "pet shop" type business or the boarding, maintaining or keeping of domestic pets on-premises anytime between 7:00 p.m. and 7:00 a.m.

- (16) Cultural or recreational facilities such as urban plazas, health and athletic clubs, theaters, auditoriums, libraries, art galleries and museums.
- (17) Gas stations.
- (18) Parking garages.
- (19) Funeral homes.
- (20) Post office.
- (21) Structures and uses required for necessary performance of governmental functions.
- (22) Structures and uses relating to operation of public utilities and requiring location within the district to serve it or neighborhood districts.
- (23) Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been approved by the City Council upon application and hearing.

(C) Permissible principle uses and structures; limitations as to location.

- (1) Any retail service establishments shall be limited to the ground floor of principal structures.
- (2) Retail and service establishments shall front on pedestrian portions of the street right-of-way, or on other pedestrian open space areas with public access from streets, and shall occupy at least 50 percent of the ground floor street frontage.
- (3) Parking garages are allowed as a principal use.

(D) Accessory uses and structures.

- (1) Uses and structures customarily accessory and incidental to specified principal uses and structures, and which do not alter the character of the district, are allowed subject to limitations and provisions established by this ordinance and other applicable City ordinances and regulations.

(E) Permissible accessory uses and structures; limitations as to location.

- (1) Access drives are allowed along the adjacent minor street frontage and shall be located and designed in a manner which will insure smooth flow of vehicular and pedestrian circulation.

Sec. 150-156. Prohibited Uses.

- (A) Adult bookstore, except in Abraham Tract, as will be more specifically provided by regulatory ordinance.

- (B) Adult-related business, except in Abraham Tract, as will be more specifically provided by regulatory ordinance.
- (C) Arcades, billiard and pool parlors.
- (D) Automotive auctions, sales and service facilities.
- (E) Bar or package store.
- (F) Clinical laboratory.
- (G) Gun shop or gun range.
- (H) Pawn shop.
- (I) Any residential uses, except in the Abraham Tract Area.
- (J) Storage facilities
- (K) Any large- or medium-scale repair or service facilities.
- (L) Any industrial or any large- or medium-scale manufacturing operation or facilities.
- (M) Open air, tented, or booth-operated flea markets or any other retail/wholesale operation not contained within a business building, except as otherwise allowed by § 110-01 through 110-03.
- (N) Any other use that is not compatible with, or is disruptive or offensive to, any adjacent residential zoning district by reason of proximity to the district through noise generation, offensive operational by-products (such as odor, dust, smoke, gas, vibrations, etc.) or by the creation of any nuisance condition.

Sec. 150-157. Lot and floor area; setbacks.

- (A) Maximum lot coverage: The maximum allowable lot coverage for all main and accessory buildings shall be determined by the F.A.R. and setback regulations.
- (B) Floor area limitations.
 - (1) For the purpose of this sub-section the floor area ratio (F.A.R.) shall be the total floor area of a building or buildings on a building site divided by the area of the site. See also §150-002 (C) (38).
 - (2) In Airport Golf, the maximum ratio of building floor area to lot area shall not exceed 1.0 F.A.R.

- (3) ~~Sites located in the Abraham Tract may have an F.A.R. up to 2.5 only after Board of Adjustment and City Council review and approval. Preliminary approval for proposed development projects with an F.A.R. greater than 1.0 shall be given only for specific projects which are determined by the City to substantially increase public transit use and decrease private automobile use. At a minimum, such projects in the Abraham Tract shall only be approved they conform to the following standards:~~
- ~~(a) They shall not have a higher density or intensity than called for by Miami Dade County's Future Land Use Element for Metropolitan Activity Centers;~~
 - ~~(b) They shall be located and site designed so that principal building entrances are within 750 feet walking distance of a transit stop or stops;~~
 - ~~(c) They shall have between principal building entrances and the transit stop or stops an attractively paved, landscaped, rain-protected and shaded pedestrian pathway;~~
 - ~~(d) They shall have no more than 75 percent of the parking otherwise required for the uses which they contain;~~
 - ~~(e) They shall contain a mix of uses that include at least three of the following:~~
 - ~~(1) *Commercial* such as: Hotels, indoor amusement, movie theaters, *restaurants*, neighborhood shopping centers, community shopping centers, regional shopping centers, small size stores, medium size stores, department stores, convenience stores, beauty and personal services, gym and health clubs.~~
 - ~~(2) *Residential* such as: 7-15 units/acre, 15-24 units/acre, over 24 units/acre.~~
 - ~~(3) *Institutional* such as: High-intensity recreation, cultural facilities, day care centers, parks, intermediate schools, secondary schools, colleges, religious facilities, correctional facilities, social service agencies, government agencies.~~
- (C) ~~Notwithstanding the foregoing, all proposed development in this portion south 36th Street shall be subject to review and approval by Miami Dade County and Miami Dade County Aviation.~~
- (D) Minimum setbacks for all developments in AMHBD.
- (1) Adjacent to streets a minimum 10 ft. front yard setback is required from the property line.

- (2) In that area of the AMHBD bounded by Deer Run and Fairway and Eldron Drives, there shall be a 20 foot rear yard setback required for the following parcels:

- (a) 627 Eldron Drive
- (b) 655 Eldron Drive
- (c) West 150 feet of 151 Fairway Drive

Beginning with the east 150 feet of 151 Fairway Drive, there shall be a required 35 foot rear yard setback for all properties eastward to 500 Deer Run. All properties in this section of the AMHBD shall be required to construct and maintain a six (6) foot high masonry wall along the rear property line adjacent to the Golf Course as part of any new construction project.

- (3) Adjacent to residential districts, rear yard setbacks shall have be a minimum depth of 5 feet.
- (4) Adjacent to residential districts, side yard setbacks shall have a minimum depth of thirty (30) feet which shall include the required ten (10) foot landscaped buffer area provided in Code Section 150-160 (B) (3) (a).
- (5) Pedestrian open space may be provided at any level that serves the commercial uses.
- (6) All setbacks may be used for utility rights-of-way.

Sec. 150-158. Height limitations.

- (A) For those structures north of N. W. 36th St. in the AMHBD:

Structures located within 150 feet from adjoining residential districts or those to be located North of Fairway Drive shall not exceed four stories or a height of 55 feet (to the highest point of the structure).

- ~~(B) For those structures in the Abraham Tract:~~

- ~~(1) Structures located in this district south of 36th Street shall not exceed a height 120 feet.~~
- ~~(2) Notwithstanding the foregoing, the maximum height allowed in this portion south of 36th Street shall be subject to review and approval by Miami Dade County and Miami Dade County Aviation.~~

Sec. 150-159. Off-street parking and loading.

(A) Parking standards and requirements:

See § 150-016. – However, in those cases where parking spaces are located within a parking structure or within the proposed building, parking space dimensions may be reduced to 8.5 ft. x 18 ft.

(B) Off-Street loading.

- (1) For the purpose of this sub-section a loading space is defined as a space within the main building or on the same lot, logically and conveniently located for bulk pickups and deliveries. A loading space shall be scaled to the size of the delivery vehicle anticipated, plus a space of six feet in length greater than the vehicle anticipated to be accommodated. No loading berth shall be less than a minimum of 12 feet in width and a length of not less than 35 feet, and shall be directly accessible from a street without crossing or entering any other required off-street loading or off-street parking spaces.
- (2) All developments shall provide off-street loading which shall be located and designed so as to provide safe and convenient access by delivery vehicles with minimal interference with the movement and parking of other vehicles on the premises. Subject to the approval of the City Zoning and Planning Board and the City Council, loading areas may be required to be placed in locations separated from other activities or screened by appropriate physical barriers.
- (3) Required off-street loading stalls shall be reserved for loading purposes, and shall not be used for parking of vehicles other than those in the process of loading or unloading. No vehicle being loaded or unloaded shall project into any public walkway or street.
- (4) Off-street loading facilities shall be properly drained to prevent damage to abutting property or public streets, and shall not be used for any purpose other than loading and unloading. At no time shall the loading area be used for storage.

Sec. 150-160. Site planning.

The site plan for developments within the AMHBD shall provide for safe and efficient functioning of intended uses, including pedestrian and vehicular circulation, and for harmonious and convenient groupings of structures and activities.

(A) Location and design requirements.

- (1) Access drives shall be provided from adjacent minor street frontage, and shall be located and designed to insure smooth flow of vehicular and pedestrian circulation.

- (2) Pedestrian access may be provided at any suitable location, but shall be separated from vehicular access points, except where signalization is used to control pedestrian and vehicular movements.
 - (3) Accessory parking lots shall be constructed and designed in accordance with §150.016.
 - (4) Loading zones and the parking of commercial vehicles shall be arranged so as to provide safe access from driveways and public streets, to prevent interference with vehicular and pedestrian circulation on the premises, and to avoid friction with traffic passing the premises.
 - (5) All utilities shall be placed underground, and there shall be appropriate provisions made for servicing such utilities.
- (B) Protective screening and landscaping.
- (1) In general, landscaping shall not reduce visibility and create a hazard to vehicular and pedestrian circulation, nor to public safety and security.
 - (2) Landscaping shall be required in all accessory open areas, and protective masonry screening and hedges shall be required for the protection of adjacent property.
 - (3) In addition to landscape regulations established in § 150-016, the following additional requirements shall apply.
 - (a) Where any development site in this district adjoins a residential district, there shall be a landscaped buffer area, ten feet wide, located along the portion of the site which directly abuts the residential district. Landscaping shall include and continuously be maintained as a hedge not less than six feet in height in order to form a continuous screen. In addition, one tree shall be provided for each 30 linear feet. The buffer area shall include a 72-inch high masonry wall which shall be located inside the required hedge and extend along the length of the adjoining residential property lines, except for sites on through-streets, where a masonry wall shall be no closer than ten feet to the property line and parallel to the street right-of-way. No off-street parking shall be allowed in the buffer area.
 - (b) At least ten percent of the building site shall be reserved for interior landscaping, and all such landscaping shall be continuously maintained by the owner. No row of parking spaces shall exceed ten spaces without a five foot minimum width of landscaped area to divide any continuation of such row of parking. (Applicable to a "parking-on-grade" condition only).

- (c) On side streets, shade trees shall be provided at a maximum of 30-foot intervals, not less than five feet from the curb line.
- (d) For the purpose of this sub-section, the protective masonry wall may constructed of CBS concrete block or another Miami-Dade County approved pre-fabricated concrete material. Stucco and painting are required for all protective boundary walls, and special architectural features such as the use of brick, stone, wood or metal on these walls may be allowed if approved by the City Zoning and Planning Board and the City Council upon proper application and hearing.
- (e) The owner of AMHBD property, or his or her agent, shall be responsible for the maintenance of the protective masonry wall and of all landscaping which shall be maintained at a set height and in good condition so as to present neat and orderly appearance, and shall be kept free from refuse and debris. All landscaped areas shall be provided with a readily available irrigation system.

Sec. 150-161. Signs.

Signs in the AMHBD shall meet all the requirements specified in § 150-030, and the following additional limitations:

No signs in either the Airport Golf district shall face the nearby residential district.

- (A) One sign structure, not exceeding 30 feet in height, and having not more than two sign surface areas, may be erected along principal street frontage from which there is a major entrance to the development. Signs may contain only the name of the establishment and facilities within the development. Each sign surface shall be limited to 30 square feet for each acre or portion thereof, of land occupied by the development.
- (B) For individual establishments, identification signs are allowed, but shall not exceed ten percent of the wall surface area.
- (C) Detached signs shall not be allowed, except for the purposes of parking, vehicular and pedestrian directional signs so long as these signs shall not have a width, length or diameter exceeding five feet. No billboards shall be allowed.
- (D) Artificial lighting may be used to illuminate the premises of advertising copy and shall be directed away from any adjacent residential area and traffic flow.
- (E) Any sign allowed in this district, by this or any other ordinance, shall be required to have the approval of the City Zoning and Planning Board and the City Council before a sign permit is issued.

Sec. 150-162. Development Procedures.

- (A) Any development within the AMHBD shall be required to have the site and development plans approved as provided herein before a building permit is issued, to insure that development is in accord with the intent of this district. It shall be the responsibility of the City Zoning and Planning Board to review such plans, and to make recommendations for modification, approval, or denial in accordance with § 150-101 and 150-102.
- (B) Applications for site and development plan approval shall be submitted to the Planning Office according to the provisions of the zoning code and the additional requirements and procedures specified herein.
- (C) The application for site and development plan approval shall include but shall not be limited to:
 - (1) Plans, maps, studies and data which may be necessary to determine whether the particular proposed development meets the intent of the AMHBD, and the specific requirements and standards contained in this sub-section.
 - (2) A survey showing property and ownership lines; existing structures, alleys, easements and utility lines.
 - (3) A preliminary development concept plan for the proposed development including the following information:
 - (a) General nature of the proposed development, planned uses and activities and the name of the developer.
 - (b) Location, height, floor area, external appearance, and use of existing structures if any; and approximate location, orientation, height, floor area ratio, and use of proposed structures.
 - (c) Points of ingress and egress for vehicular and pedestrian traffic, circulation patterns within the project, including location and design of east/west roadways, where required.
 - (d) Location, character, and scale of parking and service facilities, including area and number of parking spaces, character of structural parking, if any; location of loading areas and commercial vehicle parking.
 - (e) Any additional materials and information as may be required by the proper agencies of the City.

- (D) Where a proposed development is planned to be constructed in stages, the timing of the first stage shall be indicated. The information concerning the nature of the development, uses, location and floor areas to be developed shall also be supplied. The same information shall be provided for succeeding stages. Initiation of succeeding stages shall be made dependent upon the completion of earlier stages and the supplying of any information that may be required by the proper City agencies.
- (E) When a proposal contains provisions concerning the establishment and continuing operation and maintenance of improvements and facilities for common use by the occupants of the project and the general public, but which are not provided, operated, or maintained at general public expense, the owner shall give assurance in the manner provided in the following sub-section, (F), to the City that such improvements and facilities will be maintained without future expense to the City, and that the development will conform to approved site and development plans.
- (F) The City, may, at its discretion, require a surety performance bond to insure that the owner and developer will comply with the requirements and provisions of this sub-section, or may require such other security as may be deemed appropriate by the City Council.

Sec. 150-163. Fees and administrative reviews.

- (A) Each application filed with the Planning Office shall be accompanied by the payment of a fee, to be determined by the Planning Office depending on the scope of the project, to cover the expenses incurred by the City in processing and reviewing the application for development.
- (B) The applicant shall reimburse the City for the cost of any legal or engineering services incurred by the City in reviewing or processing any application.
- (C) The City Zoning and Planning Board shall have the responsibility to review all site and development plans and to make recommendations for modification, approval, or denial to the City Council in accordance with § 150-101 and 150-102.
- (D) Any decision or recommendation by the City Zoning and Planning Board shall be reviewed for final approval by the City Council in accordance with the procedures set forth in § 150-113.

Section 2: That new Code of Ordinance Section 150-165, Abraham Tract District, is hereby created as follows:

Sec. 150-165. Abraham Tract District

A. Purpose.

This District is intended to encourage large-scale development of a wide range of compatible and complimentary uses, along with uses not permitted elsewhere within the City.

B. Permitted uses.

(1) Principal uses and structures generally permitted.

- (a) Adult related businesses (subject to the provisions of Code Chapter 132, and the regulations contained in Section (D) of this ordinance).
- (b) Agencies for travel and insurance and similar services.
- (c) Airport parking
- (d) Animal hospitals
- (e) Aviation-related schools
- (f) Automobile sales and service, new and used
- (g) Automobile rental agency.
- (h) Banks, savings and loan associations and similar financial institutions.
- (i) Bar if related to restaurant within the same building or within a hotel.
- (j) Catering business.
- (k) Clinical laboratory.
- (l) Dry cleaning and/or laundry
- (m) Domestic pet grooming and boarding
- (n) Government uses, including public utility structures and facilities
- (o) Gun shops and/or indoor ranges
- (p) Hotels.
- (q) Medical clinics
- (r) Mixed-use development, excluding residential
- (s) Motion picture studios
- (t) Offices, business and professional
- (u) Package stores
- (v) Parcel delivery services
- (w) Pawn shops and gold buying enterprise
- (x) Personal and repair service establishments
- (y) Post office.
- (z) Restaurants.
- (aa) Retail stores, including membership warehouse stores
- (bb) Stereo/video/electronics rental, sales and/or services
- (cc) Storage warehouse facilities

(dd) Other enterprises or businesses which are similar to enterprises or businesses enumerated herein, which have been approved in conjunction with site plan approval, as specified herein.

(2) Accessory buildings and structures. Uses and structures customarily accessory and incidental to specified principal uses and structures, and which do not alter the character of the district, and which have been approved in conjunction with site plan approval

C. Prohibited uses.

(1) Automotive auctions

(2) Educational uses, other than aviation-related schools

(3) Manufacturing operations or facilities.

(4) Open air, tented, or booth-operated flea markets or any other retail/wholesale operation not contained within a business building, except as otherwise authorized by Code Sections 110-01 through 110-03

(5) Places of public assembly for 1000 or more. This shall not apply to hotels and ancillary uses

(6) Residential uses.

D. Adult related business regulations

Reserved

E. Setbacks and floor area.

(1) The minimum setback for all yards shall be no less than 10 feet.

(2) Floor Area limitations.

For the purposes of this sub-section the floor area ratio (F.A.R.) shall be the total floor area of a building or buildings on a building site divided by the area of the site. See also Code Section 150-002 (C) (38). The maximum base F.A.R is no more than 1.0. Sites may be developed with F.A.R. of up to 3.0 through compliance with the Floor Area Ratio Bonus Program provided below:

(a) Floor Area Bonus Program. For a project to receive a Floor Area Ratio bonus, a development project must meet the bonus criteria herein or seek green building certification in Design Bonus Category (I). Design bonuses for additions to existing buildings are added to the existing FAR of the building; however, the proposed FAR (existing building plus addition) shall not exceed a FAR of 3.0.

(b) Schedule of Floor Area Ratio Bonuses for Projects in the Abraham Tract District

<u>Element</u>	<u>Amount of FAR Bonus</u>
<u>Hotel units</u>	<u>0.01 per hotel room</u>
<u>Meeting, assembly, and conference rooms hotels</u>	<u>0.01 per 500 sq. ft. of such space, not to exceed 0.25.</u>
<u>Provision of a Porte Cochere.</u>	<u>0.25</u>
<u>Landscape maturity - this bonus applies to landscaping that has achieved a minimum of 50% of maximum average height at time of planting.</u>	<u>0.25</u>
<u>Inclusion of an entry plaza, when not part of a required yard or setback, occupying a Minimum of 15% of the building width</u>	<u>0.25 for each 150 sq. ft. of Entry plaza, maximum 0.25</u>
<u>Decorative gates/fences or permitted walls permitted between buildings and surrounding sites. Material composed of wrought iron or aluminum. CBS may be used with wrought iron or aluminum. However, the area of the CBS must not exceed 50% of the total area of the gate, fence or perimeter gate. Alley may be 100% CBS.</u>	<u>0.25 for each 1% of Fence/gate, 25 maximum. (0.25 x amount of the % = Bonus)</u>
<u>Lighting-installation of decorative lighting</u>	<u>0.25</u>
<u>Green Building Certification. LEED (New Construction or Major Renovation) Silver or greater, or certification by the Florida Green Building Council.</u>	<u>1.0</u>

(c) Procedure for Securing Green Certification by City

- (i) The applicant must successfully register the project with the Green Building Certification Institute or the Florida Green Building Coalition, or other third party certifying agency as approved by the Planning and Zoning Director, and provide evidence of such registration.
- (ii) Applicant shall have a minimum of one (1) LEED accredited professional, or other similarly accredited professional, on the design team. Applicant shall provide a copy of the LEED accreditation certificate or similar certification and describe the role of the LEED accredited professional on the design team.
- (iii) The applicant must provide a copy of the pertinent credit checklist indicating which credits the applicant intends to achieve along with a written narrative and detailed drawings and plans illustrating the applicant's intent to meet the prerequisites as described in the applicable LEED Rating System of FGBC Designation for the specific building type.
- (iv) Prior to the issuance of the first principal building permit the applicant shall post a performance bond equal to 5% of the total cost of the construction in order to secure performance and fulfillment of the applicant. In lieu of the bond required by this Section, the City may accept an irrevocable letter of credit from a financial institution authorized to do business in Florida or provide evidence of cash deposited in an escrow account in a financial institution in the State of Florida in the name of the applicant and the City. The letter of credit or escrow shall be in the same amount of the bond if it were posted. If the project fails to meet the criteria required for the certification by the Green Building Certification Institute or other nationally recognized certifying agency within one (1) year after receiving the City's certificate of occupancy, the applicant shall either request an extension or forfeit one hundred percent (100%) of the bond. The applicant, for good cause shown, may request an extension of time of up to one (1) additional year to achieve certification. Such extension may be granted at the sole discretion of the City Council after having considered the factors and improvements necessary to achieve the requisite certification. If certification is not achieved within two (2) years after receiving the City's certificate of occupancy, the applicant shall forfeit one hundred percent (100%) of the bond to the City.

F. Height limitations.

- (1) Structures or portions of structures shall not exceed the height limitations provided in the Miami-Dade County Airport Height Zoning Area Map dated September 20, 2006 or as may be thereafter amended.
- (2) Notwithstanding the foregoing, all development shall be subject to review and approval by Miami-Dade County, Miami-Dade County Aviation Department, and the Federal Aviation Administration.
- (3) Notwithstanding the foregoing, no structure or portion thereof shall exceed one hundred and fifty (150) feet in height.

G. Off-street parking and loading.

- (1) New development shall be in compliance with Code Section 150-016. Notwithstanding the foregoing, the number of spaces required for Mixed Use developments shall be 75% of the sum of the total spaces required for the total of the uses, if it can be demonstrated to the City Planning and Zoning Department that the individual uses have variable peak usage, otherwise, all required spaces shall be provided.
- (2) Accessory parking lots shall be constructed and designed in accordance with Code Section 150-016.
- (3) Loading zones and the parking of commercial vehicles shall be arranged so as to provide safe access from driveways and public streets, to prevent interference with vehicular and pedestrian circulation of the premises, and to avoid friction with traffic passing the premises.
- (4) Off-street loading.
 - (a) Except as provided herein, below, every building or building group or part thereof, hereafter erected and having a gross floor area of more than 10,000 square feet which is occupied by commercial uses or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building(s) off-street loading berths as follows:

<u>10,000 to 24,999 square feet</u>	<u>One Berth</u>
<u>25,000 to 59,999 square feet</u>	<u>Two Berths</u>
<u>60,000 to 120,000 square feet</u>	<u>Three Berths</u>
<u>For each additional 80,000 square feet</u>	<u>One Berth</u>

A loading berth shall have the minimum dimensions of 12 feet in width, 35 feet in length and 14 feet of vertical clearance.

- (b) Irrespective of floor area, Hotels having fewer than 200 rooms shall not be required to provide off-street loading berths. One berth shall be required for each 100 additional hotel rooms or major fraction thereof.
- (c) Off-street loading facilities shall be properly drained to prevent runoff or damage to abutting properties or public streets, and shall not be used for any purpose other than loading and unloading. At no time shall the loading area be used for storage.

H. Signage

Signage shall be in accordance with Code Section 150-030 (G).

I. Development Review Procedures. An application for development review shall be submitted to the Planning and Zoning Department for processing. No construction or alterations governed by this ordinance may begin without such approval. Additional review by Miami-Dade County and Miami-Dade County Aviation may be required.

- (1) Review for projects not requiring City Council approval. The Planning and Zoning Director and City Building Official shall review all permit applications not requiring City Council approval such as accessory and minor structures such as fences, sheds, replacement of sign faces, new signage, and exterior wall re-painting or re-roofing to ensure the improvements are in compliance with the district boundary regulations.
- (2) Projects requiring formal review by the City Council. The following formal approval process for the City shall apply to all new construction, remodeling and renovation projects.

 - (a) Mandatory preliminary review meeting with City Staff and owner/developer representatives. This meeting shall be scheduled following City Staff's preliminary review of all project submittals.
 - (b) Applications for variances, if any, shall be submitted to the City Board of Adjustment for review and consideration in accordance with the procedures set forth in Code Sections 150-110 through 150-113.

- (c) The City Zoning and Planning Board will have the responsibility to review all site and development plans and to make recommendations for modification, approval or denial to the City Council in accordance with Code Sections 150-101 and 150-102.
- (d) The decisions and recommendations of the City Board of Adjustment and Zoning and Planning Board will be reviewed for final approval by the City Council in accordance with the procedures set forth in Code Section 150-113.
- (e) The City Council will authorize the preparation and issuance of a Development Order for each project application which has completed the Development Review Process.

J. Requirements for Development Review. The following shall be submitted to the Planning and Zoning Department to initiate development review:

- (1) A fully completed application form
- (2) A letter of intent which generally describes the proposed development, including timing and phasing, if any
- (3) A filing fee
- (4) Five copies of the following plans and exhibits with a sheet format of 24 inches by 36 inches and five copies with a sheet format of 11 inches by 17 inches shall accompany the development permit application for preliminary review. Thereafter, the format and number of copies shall be as determined by the Planning and Zoning Department
 - (a) Existing Site Characteristics Map. A certified land and as-built survey, no more than one year old, which specifies acreage or square footage illustrating:
 - (i) Existing natural features, including, but not limited to trees and other vegetation
 - (ii) Existing buildings and other structures
 - (iii) Existing utility lines and easements

(b) Site Development Plan

- (i) A scaled (engineering scale) drawing clearly illustrating proposed buildings and other structures and any existing buildings and structures which are to be retained, including use, height, dimensions and setbacks
- (ii) Proposed off-street parking spaces and driveways, including location, construction materials setbacks and loading zones
- (iii) Proposed fences and walls, including location, construction material, dimensions, setbacks, and height
- (iv) Proposed utility lines and easements
- (v) Traffic flow patterns and the location of all curb cuts
- (vi) A vicinity map showing all land uses within 300 feet from all property lines and all curb cuts and median cuts within 300 feet. The map may be inset and scaled accordingly. One inch equals 100 feet is recommended
- (vii) Dumpster location(s)
- (viii) Proposed location and elevations of signs, including height, dimensions, setbacks, construction materials and color.

(c) Landscape Plan

- (i) A scaled (engineering scale) drawing clearly illustrating proposed and existing trees, shrubs grass and other vegetation where required, including location, height, caliper, canopy area to be removed or spread and type of plant by both common and botanical classifications. All plans must be signed and sealed by a registered landscape architect
- (ii) Proposed depressions and berms and other topographical features
- (iii) Method of irrigation

(d) Architectural Plan

- (i) A scale drawing clearly illustrating all proposed building floor plans and elevations, including height, dimensions, color, surface materials and textures.
- (ii) Location of all mechanical equipment
- (iii) Exterior façade color samples complying with the approved color palette

(e) Tabular Summary

- (i) Total gross area and net site area
- (ii) Proposed floor area by type of use and total gross floor area
- (iii) Floor area ratio, base and bonus calculations
- (iv) Area and percentage distribution of total gross project site, including areas proposed for landscaped open space, impervious surfaces and building coverage
- (v) Number, size and ratio of off-street parking spaces

(f) Drainage Plan

- (i) Location and square footages of all buildings, roads, parking Lots, driveways, green areas, and other significant pervious and impervious areas
- (ii) Existing elevations at the corners and center of proposed Buildings, as well as proposed finished floor elevations
- (iii) Sufficient elevations and calculations to show retention of Storm water on the site.

- (5) The Planning and Zoning Director shall have the authority to waive any of the foregoing requirements not appropriate to a specific development permit application and/or to require any additional information deemed relevant to the specific application.
- (6) Disclosure of ownership. Each application shall disclose the identity of the property, all property owners and/or developer(s). If a representative of the owner/developer files the application, the agency relationship shall also be disclosed and clearly stated and satisfactory evidence of such relationship presented. In the case of joint ownership, all owners shall consent to the application. Where the property is under contract for purchase, the owner must consent to the application.

K. Exemptions

The following applications for development, redevelopment of building permit shall be exempt from the application of this ordinance:

- (1) Any building or structure for which final site plan approval has been obtained prior to the enactment of this ordinance.
- (2) A project determined by the Planning and Zoning Director to be of a temporary nature such that meeting the intent of the ordinance would not be practical.
- (3) The City Administrative Staff shall retain the authority to exempt any proposed development or redevelopment project for this District that is being proposed for any existing structure or structures from the application of any or all of the provisions of Code Section 150-165. This exemption shall not be applicable to development or redevelopment projects in the District proposed for vacant or "ground up" construction which retains the continuing availability of the City variance process for specific relief from the provisions of this Code section.

L. Fees

- (1) Each application filed with the City shall be accompanied by the payment of a fee, which shall be determined by City, based on the scope of the project and the expenses to be incurred by the City in processing and reviewing the application for development.
- (2) The applicant shall reimburse the City for the amount of any fees or other costs incurred by the City in reviewing or processing any application.

Section 3: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as they are in conflict.

Section 4: That the codifiers are hereby directed to codify this ordinance in accordance with their discretion and their prior codification of the City of Miami Springs Code of Ordinances.

Section 5: That this Ordinance shall take effect in the manner provided by law.

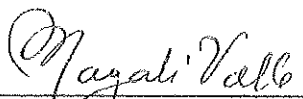
PASSED AND ADOPTED by the City Council of the City of Miami Springs, Florida this 27th day of August, 2012.

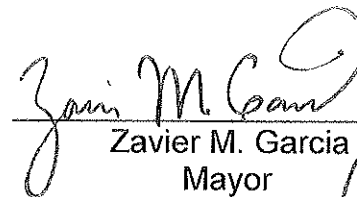
The motion to adopt the foregoing ordinance was offered on second reading by Vice Mayor Lob, seconded by Councilwoman Ator, and on roll call the following vote ensued:

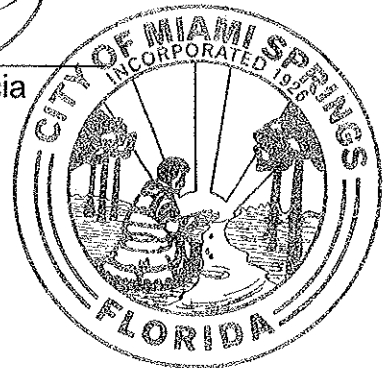
Vice Mayor Lob
Councilman Best
Councilwoman Bain
Councilwoman Ator
Mayor Garcia

"aye"
"aye"
"aye"
"aye"
"aye"

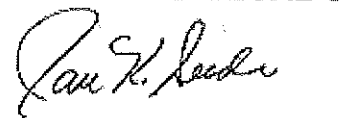
ATTEST:


Magali Valls, CMC
City Clerk


Zavier M. Garcia
Mayor



APPROVED AS TO FORM AND LEGAL SUFFICIENCY


Jan K. Seiden, Esquire
City Attorney

First reading: 06-25-2012
Second reading: 08-13-2012 Tabled
Second reading: 08-27-2012

Words ~~stricken through~~ shall be deleted. Underscored words constitute the amendment proposed. Words remaining are now in effect and remain unchanged.